

REMARKS

Reconsideration of this application is requested.

The claims now pending are claims 4, 6-9 and new claims 10 and 11. These are all drawn to the applicants' method of improving the coloring effects of non-oxidative hair coloring compositions.

Claim 9 has been amended to functionally recite the amount of ceramide or pseudoceramide used for the applicants' purpose of improving coloring effects obtained with a non-oxidative hair dye.

Claims 10 and 11 are method claims dependent on claim 9 and are drawn to the features of canceled claims 2 and 3.

Claims 6, 7 and 8 have been amended to obviate the Examiner's objection thereto as set out in ¶ 1, page 2 of the action.

The Examiner is requested to reconsider the Section 102(e) rejections of claims 1 and 5-8 (now claims 6-8) and claim 9, as anticipated by, respectively, Dubief et al. (U.S. 6,190,676) or Douin et al. (U.S. 2001/0028887 A1). The references do not disclose the applicants' invention as defined by claims 6-9 and new claims 10 and 11.

More specifically, it is noted that the Dubief et al. patent concerns a cosmetic hair composition that may be in the form of a shampoo or a composition for dyeing the hair (Col. 8, lines 23-32). The composition includes an ultraviolet radiation-screening composition containing a sulphonic acid radical, and a ceramide compound in an amount to allow an increased amount of the screening agent to be applied to hair. The aim of the composition is to protect hair against the effects of ultraviolet, with the hair otherwise becoming dull, course, brittle and lighter in color (Col. 1, lines 11-14) while at the same time, providing the hair with good softness and disentangling properties (Col. 1, lines 35-36). The ceramide has the effect of enhancing the application and/or fixing of the UV screening agent to hair (Col. 1, lines 55-59).

Specifically, there is no explicit disclosure in Dubief et al. of use of a ceramide in a non-oxidative hair coloring composition. Even more importantly, there is also no disclosure of the effect of ceramide of improving the coloring effects of non-oxidant hair coloring compositions that is the basis of the present invention.

The Douin et al. reference concerns oil-in-water nanoemulsions that may be used in cosmetic compositions including hair care compositions (¶ 0017 on page 2), with ¶ 0280 on page 13 referring to hair dyeing compositions. Paragraph 0271 on

page 13 refers to the possibility of the composition including a ceramide. Again, there is no disclosure of non-oxidative hair coloring composition, nor of the functioning of ceramides to improve the coloring effects of non-oxidative hair coloring compositions that is the basis of the present invention.

In summary, the applicants do not dispute that the prior art shows it was known to include ceramides in hair-care compositions. However, the prior art does not show that ceramides have benefits in improving the coloring effects of non-oxidative hair coloring compositions. The inclusion of a ceramide in a hair-care composition does not anticipate or make obvious the applicants' finding that the coloring obtained with a non-oxidative hair coloring composition can be improved by administering a ceramide or pseudoceramide. This is a fundamental aspect of the applicants' invention and clearly distinguishes from anything disclosed by the Examiner's references.

In view of the foregoing, the applicants request reconsideration of the Section 102(e) rejections directed towards claims 6-9. The Examiner's action said nothing about claim 4. However, this claim is also thought to be distinguished from the Examiner's references for the reasons noted.

The Examiner is requested to reconsider the Section 103(a) rejection of claims 2 and 3 based on Dubief et al. (U.S. 6,190,676 B1). Claims 2 and 3 have been canceled but, in any case, it is submitted that Dubief et al. do not make obvious the substance of claims 2 and 3 or any of the applicants' other claims which are pending herein (claims 4, 6-9 and new claims 10, 11).

Favorable reconsideration of this application is requested.

Respectfully submitted,

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